



U.S. Citizenship
and Immigration
Services

FILE:

Office: LOS ANGELES

Date:

AUG 25 2004

IN RE:

Obligor:
Bonded Alien

IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration
and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.



Robert P. Wiemann, Director
Administrative Appeals Office

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, Los Angeles, California, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on August 31, 1999, the obligor posted a \$500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated August 23, 1999, was issued granting the alien voluntary departure in lieu of removal on or before October 25, 1999. The bonded alien appealed the IJ's decision to the Board of Immigration Appeals (BIA). On September 16, 2002 the BIA, affirmed, without opinion, the IJ's decision. On February 4, 2004, the field office director concluded the bond had been breached.

On appeal, the obligor asserts that the alien departed the United States on January 11, 2003, and submits a photocopied Form G-146 as evidence.

The alien was granted 60 days from the BIA order of September 16, 2002 to leave the United States. The alien did not leave as required on or before November 16, 2002. The field office director's decision of February 4, 2004 declaring the bond breach is valid.

The regulation at 8 C.F.R. § 1240.26(c)(3) provides that in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the field office director.

No satisfactory evidence has been introduced into the record to establish the alien made a timely departure. The service of a notice to surrender or the presence of a certified mail receipt is not required in voluntary departure bond proceedings.

Voluntary departure bonds are exacted to ensure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for Immigration and Customs Enforcement (ICE) to function in an orderly manner. After a careful review of the record, it is concluded that the alien failed to depart by the stipulated time, the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the field office director will not be disturbed.

ORDER: The appeal is dismissed.